

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

TRAIL KING INDUSTRIES, INC., Plaintiff, vs. UNITED STATES OF AMERICA, Defendant.	4:24-CV-04164-RAL ORDER GRANTING MOTION FOR LEAVE TO FILE SURREPLY
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Plaintiff Trail King Industries, Inc. moves for leave to file a surreply in opposition to Defendant's Motion to Dismiss. Doc. 23. The District of South Dakota local rules do not contemplate a motion for surreply, so a party must obtain leave of the Court for such filings. See D.S.D. Civ. LR 7.1. Generally, a motion for leave to file a surreply is only granted "to address arguments or evidence raised for the first time in a reply." Smith v. United States, No. CV 7:20-094-DCR, 2021 WL 667115, at *2 (E.D. Ky. Feb. 19, 2021). Defendant's Reply, Doc. 22, contains a new argument for dismissal, namely that this Court lacks jurisdiction over certain claims. Id. at 12–17. Such argument was not raised in Plaintiff's Motion to Dismiss, Doc. 17, or supporting memorandum, Doc. 18. Thus, Plaintiff has not addressed the issue throughout any of its filings. For good cause, it is hereby

ORDERED that Defendant's Motion for Leave to File Surreply in Opposition to Defendant's Motion to Dismiss, Doc. 23, is granted.

DATED this 7th day of April, 2025.

BY THE COURT:



ROBERTO A. LANGE
CHIEF JUDGE